

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Continuation Application of: Dreyer et al.

Serial No.: To be assigned

Group Art Unit: NA

Filed: HEREWITH

Examiner: NA

Entitled: **METHOD OF REFINANCING A MORTGAGE LOAN AND A CLOSING  
CLOSING PACKAGE FOR SAME**

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**DECLARATION UNDER 37 C.F.R. § 1.102(d)**

I, September Wethington-Smith, declare as follows:

(1) I am a duly authorized officer of Wells Fargo Home Mortgage, Inc., the Assignee of the above-identified patent application, which covers a method of refinancing a mortgage loan and a closing package for same.

(2) On or about August 5, 2003, it came to my attention that CitiMortgage, Inc. of Ballwin, Missouri, was performing a process and distributing offer letters and closing packages which I believed might be an infringement of the claims in this Application.

(3) On August 6, 2003, I conferred with my attorney, Brian J. Laurenzo. Mr. Laurenzo was supplied with a specimen of the product distributed by CitiMortgage, Inc. After careful consideration, it was the opinion of my attorney that the product and method of CitiMortgage, Inc. infringed the claims of this Application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false

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Petition to Make Special  
Declaration of September Wethington-Smith

statements may jeopardize the validity of this document, the patent application, or any patent issued thereon.

Signed at Des Moines, Iowa, this 16<sup>th</sup> day of December, 2003.

A handwritten signature in black ink, appearing to read "September Wethington-Smith", written over a horizontal line.

September Wethington-Smith  
Associate General Counsel  
Wells Fargo Home Mortgage, Inc.  
ASSIGNEE

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**DECLARATION UNDER 37 C.F.R. § 1.102(d)**

I, Brian J. Laurenzo, declare as follows:

(1) I am attorney of record in the above-indicated application and have read the accompanying Declaration of Applicant Assignee, signed by September Wethington-Smith.

(2) I have rigidly compared the claims in the above-indicated application with the specimen offer letter and closing package distributed by CitiMortgage, Inc., and it is my opinion that at least Claims 1-3 of this application would be unquestionably infringed by the manufacture, use, or sale of said specimen produced by CitiMortgage, Inc.'s method causing Applicant irreparable harm, as evidenced by the claim chart attached as Exhibit A, and the CitiMortgage, Inc. documents attached as Exhibits B and C, describing CitiMortgage, Inc.'s method.

(3) During the prosecution of the corresponding Parent Application, United States Patent Application Serial No. 10/259,116, Applicant submitted 21 references in an Information Disclosure Statement on November 10, 2003, such art being included in the record of the related application. Accordingly, an IDS and Form PTO-1449 are also filed herein, providing a list of these references. Copies of the references were submitted in the

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Petition to Make Special  
Declaration of Brian J. Lorenzo

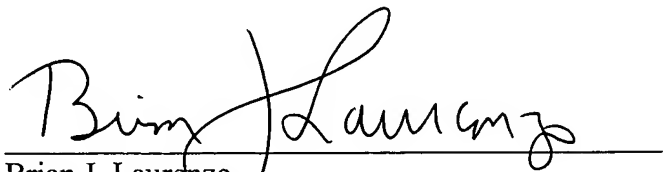
related application from which this Application claims priority under 35 U.S.C. § 120.

Therefore, Applicant is not submitting additional copies of the references pursuant to 37 C.F.R. 1.98(d). I have reviewed each of these references carefully and have concluded, that the claims do not appear to be anticipated or obvious over any of said references. I am not aware of any other pertinent prior art and therefore, I believe that I have a good knowledge of the prior art.

(4) As a result of reviewing this application and the prior art, I believe all of the claims of this application are allowable.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of this document, the patent application, or any patent issued thereon.

Signed at Des Moines, Iowa, this 27 day of FEBRUARY, 2004.



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